

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

HAKEEM ABDUL SHAHEED,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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Case No. 3:05-cv-461-GPM

**ORDER**

This matter is before the Court on the Motion to Amend Complaint filed by the plaintiff, Hakeem Abdul Shaheed, on March 30, 2006 (Doc. 12). The motion is **GRANTED**.

The plaintiff's complaint was filed on June 27, 2005 (Doc. 1). In the initial screening Order, signed by Chief District Judge G. Patrick Murphy on March 1, 2006 (Doc. 9), no part of the complaint was dismissed and the Bureau of Prison was replaced by the United States of America as a party defendant. Summons was issued and returned executed on March 20, 2006 (Doc. 13). The defendant has not made an appearance or otherwise answered as its answer is not due until May 15, 2006.

Federal Rule of Civil Procedure 15(a) provides that "A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served . . . ." No responsive pleading has been served in this matter and leave of court to file an amended pleading is not required. Therefore, the plaintiff's amended complaint shall be filed *instanter* and dated as of the day of the motion, March 20, 2006.

In docketing the motion to amend, the Clerk's office forwarded the proposed amended complaint to Chambers. After a search for the pleading, the amended complaint has not been located and appears to have been misplaced. Based on the motion, it appears that the Plaintiff is

only seeking leave to amend in order to include three additional instances, since the filing of the original complaint, where his property has been allegedly lost. As the amended complaint cannot be located by the Court, the Plaintiff **SHALL** submit a duplicate of his amended complaint to the Clerk's Office by **May 12, 2006**. The Clerk's Office shall docket the amended complaint as provided above.

For the foregoing reasons, the Motion to Amend Complaint filed by the plaintiff, Hakeem Abdul Shaheed, on March 30, 2006 is **GRANTED** (Doc. 12). The Plaintiff shall submit his amended complaint by **May 12, 2006**.

**DATED: April 26, 2006**

**s/ Donald G. Wilkerson**  
**DONALD G. WILKERSON**  
**United States Magistrate Judge**